IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 26442 of 1995

Between:

1. G. Subbarao s/o Chandraiah, aged about 33 years, Occ: Associate Lecturer (Mechanical)

2. P.Ramesh Babu s/o Singaiah, aged about 35 yrs, occ: Associate Lecturer (Chemistry)

3. T. Srinivasa Rao s/o Pullarao, aged about 30 years, occ: Associate Lecturer (Electronics and Comunications)

All are R/o Chilakaluripet, Guntur District.

..... PETITIONERS

AND

1. The Director of Commissioner of Technical Education, Hyderabad, A.P.

2. The Secretary and Correspondent, C.R.Polytechnic College, Chilakaluripet, Guntur District. .

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to ISSUE AN APPROPRIATE WRIT, ORDER OR DIRECTION PARTICULARLY IN THE NATURE OF WRIT OF MANDAMUS DECLARING THE ACTION OF THE RESPONDENTS IN NOT FIXING OUR PAY CORRECTLY AND NOT PAYING OUR SALARY IN ACCORDANCE WITH THE GOVERNMENT ORDERS AND MEMOS ISSUED BY HE GOVERNMENT OF A.P. AS ILLEGAL, ARBITRARY AND INVOILATION OF ART.14 AND 16 OF THE CONSTITUTION OF INDIA AND TO DIRECT THE RESPONDENT EXTEND THE BENEFIT OR REVISED PAY SCALES AS PER G.O.MS.NO.251, DT 3-10-90 AND G.O.MS.NO.286, DT 6-6-95, WITH ALL CONSIQUENTIAL BENEFITS, INCLUDING THE ARREARS.

For the Petitioners: MR.RAMA RAO GANTA, Advocate

For the Respondents : GP FOR TECHNICAL EDUCATION

The Court made the following :

ORAL ORDER

The petitioners, who are working as Associate Lecturers in the 2nd respondent-Polytechnic College, filed this writ petition for a declaration that the action of the 2nd respondent in not fixing their pay correctly and not paying their salaries in accordance with the terms of G.O.Ms.No.251, dated 3.10.1990 and G.O.Ms.No. 286, dated 6.6.1995 as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India, and for a consequential relief of payment of arrears with effect from 3.10.1990.

The facts that led to the filing of this writ petition, in brief, are that a notification was issued by the 2nd respondent-college on 19.08.1986 inviting applications for various posts including the post of Assistant Lecturers in various faculties. The petitioners, who submitted their applications, were selected as they are fully qualified to be appointed as Assistant Lecturers in Mechanical, Chemistry and Electronics and Communications respectively. According to them, their appointments are based on the recommendations made by the Selection Committee duly constituted by the

Government. Eversince the date of their appointments, they are discharging their duties as Assistant Lecturers in the 2nd respondent-college. While the matters stood thus, the Government issued G.O.Ms.No. 251, dated 30.10.1990 permitting the private Polytechnic Colleges in the State to enhance the tuition fee from Rs.4,000/- to Rs.5,750/-. However, the Government in the said G.O. made it clear that the private Polytechnic colleges shall pay to both teaching and non-teaching staff the revised pay scales of the year 1986 and D.A., H.R.A., and C.C.D as applicable to the State Government employees in Government Polytechnics. It is the further case of the petitioners that though the said G.O. came into existence, as early as in the year 1990, the petitioners were not paid the revised pay scales. It is further averred in the affidavit filed in support of the writ petition that when the representatives of the management of private aided Polytechnics in the State met the Director of Technical Education about the fixation of the revised pay scales, the Commissioner/Director of Technical Education, Hyderabad has clarified that the fixation of revised pay scales, 1986 shall be made applicable from the date of G.O.Ms.No. 251, dated 3.10.1990. As the 2nd respondent-college was not implementing the said G.O. and is not paying the revised pay scales to the petitioners and other similarly placed Lecturers of the 2nd respondent-college, there was an agitation and ultimately both the staff and the management entered into an agreement and the same was reduced into writing. As per the agreement arrived at, the teaching staff of 2nd respondent Polytechnic college shall be paid the revised pay scales with effect from 3.10.1990 the date on which the G.O.Ms.No. 251 has come into existence. In spite of this, as the petitioners were not paid revised pay scales, they were constrained to approach this Court and filed the present writ petition.

Heard the learned counsel for the petitioner. The respondents have not chosen to file any counter-affidavit.

From the facts narrated, it is clear that the Government issued G.O.Ms.No. 251, dated 3.10.1990, by which the tuition fee is enhanced to Rs.5,750/- from Rs.4,000/- and both teaching and non-teaching staff were directed to be paid the revised pay scales, 1986. Subsequently, a clarification was also issued by the 1st respondent saying that the revised pay scales shall come into force with effect from 3.10.1990. Further, as per the agreement arrived at between the teaching staff and the management of 2nd respondent-college, it is clear that the teaching staff shall be

paid the revised pay scales with effect from 3.10.1990. Hence, this Court has no hesitation to come to the conclusion that the petitioners shall be paid the revised pay scales with effect from 3.10.1990.

Accordingly, this writ petition is allowed directing the 2nd respondent-college to implement the G.O.Ms.No. 251, Education (Te.I) Department, dated 3.10.1990 and pay the salaries to the petitioners herein as per the revised pay scales with effect from 3.10.1990. No costs.

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2nd September, 2004

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Director and Commissioner of Technical Education, Hyderabad, A.P.
2. The Secretary and Correspondent, C.R. Polytechnic college, Chilakaluripet, Guntur District
3. 2 C.Cs to Govt. Pleader for Technical Education, High Court buildings, Hyderabad (OUT)
4. 2 C.D copies.